

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTELLATION NEW : CIVIL
ENERGY, INC., : ACTION
Plaintiff, :

V. :

POWERWEB TECHNOLOGIES, :
INC., A-VALEY ENGINEERS, :
INC. and LOTHAR E.S. :
BUDIKE, JR., : NO. 02-CV-2733
Defendants. : (HB)

January 30, 2004

Oral deposition of LOTHAR
BUDIKE, P.E., held in the offices of Wolf
Block Schorr and Solis-Cohen LLP, 1650
Arch Street, Philadelphia, Pennsylvania
19103 commencing at 10:00 a.m., on the
above date, before Linda Rossi Rios, a
Federally Approved Registered
Professional Reporter and Notary Public
of the Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES
1880 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
(215) 988-9191

1 that New Energy would pay for this work?

2 A. I didn't know Energy -- I
3 didn't know these people, so I don't
4 know. I don't know what the agreement
5 they were going -- my thing was Bell is
6 going to pay somebody, and those
7 somebodies are going to pay A-Valey.
8 That's my idea.

9 Q. To the best of your
10 knowledge, have you been paid for this
11 work that you did that's been invoiced in
12 New Energy 55?

13 A. No, sir. No, sir.

14 Q. Did you understand that the
15 work that you were doing that is
16 represented in New Energy 54 and 55 was
17 being requested by Powerweb for the
18 installation of Omni-Link at Bell
19 Atlantic?

20 A. I beg your pardon?

21 Q. You understand that the work
22 that you were doing in New Energy 54 and
23 55 was being requested by Powerweb for
24 the installation of Omni-Link at the Bell

1 Atlantic facilities?

2 A. Yeah, I know that Powerweb
3 requested that to be done. And in
4 addition, Bell Atlantic requested. It's
5 okay, go ahead.

6 Q. The first invoice on New
7 Energy 55 seems to be work that began on
8 or about February 19, 2000?

9 A. If that's written, that's
10 correct.

11 Q. How soon before that was the
12 request made for you to start that work?

13 A. I remember meeting them --
14 sometime early in February. Early
15 February. Early February. Because
16 everything was -- remember I told you I
17 give him which buildings they should go?
18 So there was -- you know, things were
19 really going hectic because of the site
20 environmental problems with the
21 generators, et cetera, et cetera. So I
22 think the date was early February.

23 Q. When you said things were
24 going hectic, what do you mean?